

THE LAW OFFICES OF

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September 12, 2018

MEMO ENDORSED

VIA ECF

Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
Southern District of New York
500 Pearl Street, Courtroom 12D
New York, New York 10007-1312

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9-16-2019

RE: Edwards v. Wilkie
16-CV-8031(LTS)

Dear Judge Taylor Swain:

I am writing to request an abeyance of the briefing for Defendants' summary judgment motion until Plaintiff's motion for sanctions has been decided. Plaintiff's brief in opposition is due on September 16, 2019. However, since the motion for sanctions involves a discovery dispute, Plaintiff respectfully requests an extension so that she will be able to thoroughly oppose Defendants' motion.

Your Honor may not be aware that Plaintiff has sought sanctions against Defendants due to the 704 objections they made during the course of 9 hours of deposition testimony. Pursuant to the Court's Order on May 28, 2019, the parties briefed the motion in July. I am asking for an abeyance because Plaintiff has sought the limited re-opening of discovery in lieu of monetary relief, should the Court determine that the Defendants should be sanctioned. Plaintiff has requested this relief because of the egregious conduct described in the motion practice and because of Defendants ongoing refusal to comply with Judge Wang's order to split the costs for the status conference transcripts on May 28, 2019.

As Your Honor is aware Plaintiff also filed an objection to Judge Wang's finding pursuant to Fed. R. Civ. P. 72. Plaintiff respectfully argues that Judge Wang erroneously found that both parties paid for the transcripts due to a failure to communicate with each other. However, the attached letter from Defendants themselves, in the footnote portion clearly states otherwise. (Exhibit 1). To be clear, if Plaintiff had not paid for the transcripts up front and in full, based on the government's practice of paying for transcripts at the end of the month, Plaintiff would not have had the transcripts in time to file her motion for sanctions.

In closing, I would like to thank Your Honor for her time and consideration of this matter.

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Respectfully,

/s/

Special Hagan, Esq.

Cc: Rachel Doud,
Attorney for Defendants

The request for an abeyance
of summary judgment briefing
pending the resolution of other
motion practice is denied.
Plaintiff's opposition must be
filed by September 20, 2019.
DE # 115 resolved.

SO ORDERED:


HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE